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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	C.R. No. S-05-019-FCD
Plaintiff,)	
)	
v.)	
)	MOTION TO DISMISS INDICTMENT
TIMOTHY CELESTINE,)	AND ORDER
)	
Defendant.)	

The United States of America, by and through its undersigned attorney, Mary L. Grad, Assistant United States Attorney, respectfully requests that this Court dismiss without prejudice the above-captioned Indictment, filed January 20, 2005, against defendant TIMOTHY CELESTINE.

This motion is made pursuant to the provisions of Rule 48(a) of the Federal Rules of Criminal Procedure

DATED: November 1, 2005

McGREGOR W. SCOTT
United States Attorney

By /S/ Mary L. Grad
MARY L. GRAD
Assistant U.S. Attorney

O R D E R

It is ordered that the above-captioned Indictment be and is hereby dismissed without prejudice against TIMOTHY CELESTINE.

DATED: November 4, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge